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RONALD PRESTON
SECRETARY

CHRISTINE C. FERGUSON
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

**ORDER TO ESTABLISH RULES AND PRIORITIES FOR THE DISTRIBUTION AND USE OF
INFLUENZA VACCINE**

IT IS HEREBY ORDERED BY THE COMMISSIONER OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH PURSUANT TO M.G.L. CHAPTER 111, SECTION 5A THAT ALL HEALTH CARE PROVIDERS IN MASSACHUSETTS SHALL:

- (1) LIMIT INFLUENZA VACCINATION TO PERSONS IN HIGH RISK CATEGORIES; and
- (2) PROVIDE REPORTS TO THE DEPARTMENT OF PUBLIC HEALTH IN ACCORDANCE WITH PROCEDURES TO BE ESTABLISHED BY THE DEPARTMENT TO ASSESS AND MONITOR THE SUPPLY OF VACCINE.

The Commissioner has determined that vaccination against influenza is essential in the interest of the public health and that an emergency exists by reason of a current shortage of influenza vaccine, and has issued this Order since current supply is anticipated to meet only one half of the expected demand.

For the purposes of this ORDER:

"Health care provider" means any person or entity authorized under the laws of Massachusetts to purchase, store, distribute, possess, prescribe, dispense or administer influenza vaccinations.

"High risk categories" means:

- (1) All children aged 6-23 months;
- (2) Adults aged ≥ 65 years;
- (3) Persons aged 2-64 years with underlying chronic medical conditions;
- (4) All women who will be pregnant during the influenza season;
- (5) Residents of nursing homes and long-term care facilities;
- (6) Children aged 6 months-18 years on chronic aspirin therapy;
- (7) Health-care workers involved in direct patient care; and
- (8) Out-of-home caregivers and household contacts of children aged < 6 months.

It is further ordered that health care providers prominently post this Order in locations where influenza vaccination is administered.

Pursuant to M.G.L. c.111, s.5A, whoever violates any provision of this Order shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than six months, or both.

Health care providers found in violation of this Order will be referred to the appropriate professional board of registration.

This Order shall take effect immediately.

IT IS SO ORDERED.

CHRISTINE C. FERGUSON
COMMISSIONER,
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

10-14-2004
DATE